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EXAMINER

VANTERPOOL, LESTER L

ART UNIT PAPER NUMBER

3727

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/701,469

Applicant(s)

HICKS ET AL.

Examiner

Lester L. Vanterpool

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-18 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date May 9, 2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6 – 8, & 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson et al., (U.S. Statutory Invention Reg. Number H1834). Wilson discloses the track (12) having the slot (18), the track is attached to the interior structure (See Figures 1 & 2); and at least one bracket (20) secured to the track (12) (column 3, line 56 – 60), each bracket (20) having the cam (38) on an inner end and the receptacle (See Figure 3) on an outer end, the cam (38) is received in the slot (18) of the track (12) in a range of positions and is selectively locked to the track (12) at a selected position on the track (12). See Figures 1 & 2.

Regarding claim 6 as stated above, Wilson et al., discloses the track (12) is secured to a visible surface (14 & 16) of the interior structure. See Figures 1 & 2.

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Regarding claim 7 as stated above, Wilson et al., discloses the track (12) is integrated into the interior structure with the track (12) is secured to the back surface (See Figure 3) of the interior structure and wherein the slot (18) is defined by the wall (14 & 16) of the interior structure. See Figures 1 – 3.

Regarding claim 8 as stated above, Wilson et al., discloses the track (12) is disposed within an enclosure that is secured to the back surface of the wall of the interior structure (column 3, line 49 – 55). See Figure 1 – 4.

Regarding claim 10 as stated above, Wilson et al., discloses the interior structure is the side wall of the vehicle facing the inside of the vehicle (column 3, line 35 – 40).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. Statutory Invention Reg. Number H1834) in view of Padiak et al., (U.S. Patent

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Number 6691963). Wilson et al., discloses the invention substantially as claimed.

Wilson et al., discloses the cam lock bar (36) disposed inside the track (12) extending parallel to the slot (18),

However, Wilson et al., does not disclose a the cam lock bar cooperating with the cam that is placed in a first orientation to move the bracket relative to the track and is placed in a second orientation to lock the bracket to the track.

Padiak et al., teaches the cam lock bar (40) cooperating with the cam that is place in the first position to move the bracket relative to the track (60) (See Figure 13a) and is placed in a second orientation to lock the bracket to the track (60) column 3, line 46 – 55) (See Figure 13b) for the purpose of providing various positions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cam lock bar cooperate with the cam that is placed in a first orientation to move the bracket relative to the track and is placed in a second orientation to lock the bracket to the track as taught by Padiak with the accessory strip assembly of Wilson et al., in order to enhance various usable positions.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (U.S. Statutory Invention Reg. Number H1834) and in view of Padiak et al., (U.S. Patent Number 691963) as applied to claim 2 above, and further in view of Lee (U.S. Patent Number 5823724). Wilson et al., and Padiak et al., disclose the invention substantially as claimed.

However, Wilson et al., and Padiak et al., do not disclose the cam lock bar further comprises two spaced bars that each have an undulating edge that are located in an opposing relationship to define space between the edges that is arranged in a repeating pattern of narrow and wide areas.

Lee teaches the cam lock bar (19) further comprises two spaced bars (See Figure 1) each having an undulating edge that are located in an opposing relationship to define a space between the edges that is arranged in a repeating pattern of narrow and wide areas (See Figures 1 – 4) for the purpose of adequate securing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the define space between the edges are arranged in a repeating pattern of narrow and wide area as taught by Lee with the accessory strip assembly of Wilson et al., in order to enhance securing functionality.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. (U.S. Statutory Invention Reg. Number H1834) as applied to claim 1 above, and further in view of Whitehead (U.S. Patent Number 4554692). Wilson et al., disclosed the invention substantially as claimed.

However, the track has a keyhole opening at a point along the slot that the brackets are inserted into to be secured to the track.

Whitehead teaches the track (36) has the keyhole opening (58) at the point along the slot (60) that the brackets (10) are inserted into to be secured to the track (36) for the purpose of easy alignment. It would have been obvious to one having ordinary skill

in the art at the time the invention was made to make the track having the keyhole opening at the point along the slot as taught by Whitehead with the accessory strip assembly of Wilson et al., in order to enhance alignment functionality.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. Statutory Invention Reg. Number H1834) as applied to claim 8 above, and further in view of Wagner et al., (U.S. Patent Number 5762244). Wilson et al., discloses the invention substantially as claimed.

However, Wilson et al., does not disclose the enclosure has flanges that are provided to secure the enclosure to the wall of the interior structure.

Wagner et al., teaches the enclosure has flanges (36) that are provided to secure the enclosure to the wall of the interior structure (See Figures 1 & 3) for the purpose anchoring and securing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the enclosure have flange that are provided to secure the enclosure to the wall of the interior structure as taught by Wagner et al., with the accessory strip assembly in order to enhance anchoring and securing.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. Statutory Invention Reg. Number H1834) as applied to claim 1 above, and further in view of Watkins (U.S. Patent Number 611685). Wilson et al., discloses the invention substantially as claimed.

However, Wilson et al., does not disclose the interior structure is a seat back of a vehicle seat.

Watkins teaches the interior structure is a seat back of the vehicle seat (See Figure 7) for the purpose of mounting on a vehicle seat. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the interior structure is a seat back of the vehicle seat as taught by Watkins with the accessory strip assembly of Wilson et al., in order to enhance mounting within vehicle interiors.

9. Claim 12 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. Statutory Inventory Reg. Number H1834) as applied to claim 1 above, and further in view of Liang (U.S. Patent Number 5850996). Wilson et al., discloses the invention substantially as claimed.

However, Wilson et al., does not disclose the receptacle on the outer end of the bracket has a hook on which articles may be attached.

Liang teaches the receptacle (13) on the outer end of the bracket (1) has the hook (See Figures 1 & 2—lower corners) on which articles may be attached (See Figures 1 & 2) for the purpose of increasing multi-functional capabilities. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the receptacle on the outer end of the bracket having a hook which articles may be attached as taught by Liang with the accessory strip assembly of Wilson et al., in order to enhance multi-functional capabilities.

Regarding claim 13 as stated above, Wilson et al., discloses the invention substantially as claimed.

However, Wilson et al., do not disclosed the hook defines a hole to which articles may be secure.

Liang teaches the hook (See Figures 1 & 2—lower corners) defines the hole to which articles may be secured (See Figures 1 & 2) for the purpose of easier functionality. It would have been obvious to one having ordinary skill in the art the time the invention was made to make the hook defined by the hole to which articles may be secured as taught by Liang with the accessory strip assembly of Wilson et al., in order to enhance multi-functional capabilities.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. Statutory Inventory Reg. Number H1834 as applied to claim above, and further in view of Prue (U.S. Patent Number 4969917). Wilson et al., discloses the invention substantially as claimed.

However, Wilson et al., does not disclose the article is a bungee cord having a spring hook that is inserted into the hole defined by the hook.

Prue teaches the article is the bungee cord (12) having the spring hook (16) that is inserted into the hole (18) defined by the hook (column 2, line 13 – 15) (See Figure 1) for the purpose of providing security with durable flexibility. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the

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article the bungee cord having the spring hook that is inserted into the hole as taught by Prue with the accessory strip assembly of Wilson et al., in order to enhance security with durable flexibility.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. Statutory Invention Reg. Number H1834) as applied to claim 1 above, and further in view of Padiak et al., (U.S. Patent Number 6691963), Liang (U.S. Patent Number 5850996). Wilson et al., discloses the invention substantially as claimed.

However, Wilson does not disclose the bracket having a hook on the outer end and socket on the outer end and wherein a plug is provided on an article to be supported by the assembly, wherein the plug is adapted to be received in the socket. Liang teaches the bracket (1) has the hook (See Figure 2—holes in lower corners) on the outer end and the socket (13) (See Figures 1 & 2) on the outer end and wherein the plug (42) is provided on an article (4) to be supported by the assembly, wherein the plug (4) is adapted to be received in the socket (13) (column 2, line 24 – 27) (See Figures 1 & 2) for the purpose of securing item externally. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bracket having the socket on the outer end as taught by Liang with the accessory strip assembly of Wilson et al., in order to secure items externally.

11. Claims 16 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. Statutory Invention Reg. Number H1834) as applied to claim 1

above, and further in view of Padiak et al., (U.S. Patent Number 6691963). Wilson et al., disclosed the invention substantially as claimed.

However, Wilson et al., does not disclose the bracket is rotatable about an axis of rotation when inserted in the track and the receptacle on the outer end of the bracket defines a holder oriented at a first radial position and wherein a socket is oriented at a second radial position on the outer end.

Padiak et al., teaches the bracket (30) is rotatable about an axis of rotation when inserted in the track (60) (column 2, line 47 – 48) for the purpose of flexibility. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bracket rotatable about an axis of rotation when inserted in the track as taught by Padiak et al., with the accessory strip assembly of Wilson et al., in order to enhance flexibility.

Saitoh et al., teaches the receptacle (See Figure 5) on the outer end of the bracket (7) defines the holder (72) oriented at the first radial position and wherein the socket (72A) is oriented at the second radial position on the outer end (See Figure 5) for the purpose of providing securing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the receptacle on the outer end of the bracket define the holder oriented at the first radial position and wherein the socket is oriented at the second radial position on the outer end as taught by Saitoh et al. with the accessory strip assembly of Wilson et al., in order to allow items to be secured and attached.

Regarding claim 17 as stated above, Wilson et al., discloses the plug (26) that is provided on an article (22) to be supported by the track 12 when the plug (26) is inserted in the socket (108).

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al., (U.S. Statutory Invention Reg. Number H1834) as applied to claim 1 above, and further in view of Kifer (U.S. Patent Number 5415457). Wilson et al., discloses the invention substantially as claimed.

However, Wilson et al., does not disclose the article to be supported by the bracket on the track is selected from the group comprising: a bag; a flash light; a first aid kit; an accessory bag; an umbrella; a cooler; and an emergency road kit.

Kifer teaches the article (16) to be supported by the bracket (28) on the track (14) is a bag (See Figure 1) for the purpose of transporting large items. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the article to be supported by the bracket on the track is a bag as taught by Kifer with the accessory strip assembly of Wilson et al., in order to enhance transporting large items in the vehicle.

***Allowable Subject Matter***

13. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**JES F. PASCUA**  
**PRIMARY EXAMINER**

LLV  
April 21, 2006